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9 Attorneys for Plaintiff

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13

14 KENNETH DELANCY,
15 Plaintiff,

16 vs.

17 ASBESTOS DEFENDANTS (BP), et al.,
18 Defendants.

No. C09-01109 31

STIPULATION TO DISMISS
DEFENDANT CROWN CORK & SEAL
AND REMAND CASE TO SAN
FRANCISCO SUPERIOR COURT

19 Come now Plaintiffs KENNETH DELANCY ("Plaintiff") and Defendant CROWN
20 CORK AND SEAL COMPANY INC. ("CC&S"), who file the following stipulation pursuant to
21 Local Rules 7-1 and 7-12:

22 WHEREAS, defendant CC&S removed this case to the United State District Court for
23 the Northern District of California on March 13, 2009, on the ground that the court has "federal
24 officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff
25 allegations that his injury was caused by products designed and manufactured by CC&S under
26 the supervision and control of the United States government;

27 WHEREAS, Defendant CC&S was the sole removing defendant and no other defendant
28 joined in removal or filed a separate notice of removal;

WHEREAS, Plaintiff and Defendant CC&S, the affected parties, have now reached a
resolution of Plaintiff' claims against CC&S;

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STIPULATION TO DISMISS DEFENDANT CROWN CORK & SEAL AND REMAND CASE TO SAN
FRANCISCO SUPERIOR COURT; C09-01109 31

1 WHEREAS, Defendant CC&S's desire for a federal forum for this action is now moot
2 and given the resolution of Plaintiff's claims against it; and

3 WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant CC&S seek to
4 have this action remanded to state court, IT IS HEREBY STIPULATED by the affected parties,
5 Plaintiff and Defendant CC&S, that all claims against Defendant CC&S shall be, and hereby
6 are, dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and
7 that this action shall be, and hereby is, immediately remanded to the San Francisco County
8 Superior Court, the court in which it was originally filed and from which it was removed.

9 Dated: March 18, 2009

BRAYTON ♦ PURCELL LLP

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11 By: 

Richard M. Grant
Attorneys for Plaintiff

12
13
14 Dated: March 18, 2009

ARMSTRONG & ASSOCIATES, LLP

15
16 By: 

Attorneys for Defendant CROWN CORK &
SEAL

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19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the
20 Superior Court of California, County of San Francisco, Case No 274734. The Clerk shall send
21 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,
22 County of San Francisco.

23
24
25 Dated: _____, 2009

By: 

UNITED STATES DISTRICT COURT

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, Novato, California 94948-6169.

On March 19, 2009, I served the attached:

**STIPULATION TO DISMISS DEFENDANT CROWN CORK AND SEAL AND
REMAND CASE TO SAN FRANCISCO SUPERIOR COURT**

on the interested parties in this action by transmitting a true copy thereof in a sealed envelope, and each envelope addressed as follows:

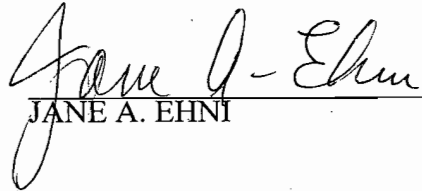
TO ALL PARTIES ON THE ATTACHE SERVICE LIST

XXX

BY OFFICE MAILING: I am readily familiar with this office's practice of collection and processing correspondence, pleadings and other matters for mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Novato, California in the ordinary course of business. I placed in the outgoing office mail, the above-described document(s), in a sealed envelope, addressed to the party(ies) as stated above, for collection and processing for mailing the same day in accordance with ordinary office practices.

Executed this March 19, 2009 at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


JANE A. EHNI

Kenneth Delancy et al. v. Asbestos Defs.
U.S.D.C. No. C09-01109 SI

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Run By : Ehni, Jane (JAE)

Armstrong & Associates, LLP
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Oakland, CA 94612
510-433-1830 510-433-1836 (fax)
Defendants:
Crown Cork & Seal Company, Inc.
(CC&S)

Bassi, Edlin, Huie & Blum LLP
351 California Street, Suite 200
San Francisco, CA 94104
415-397-9006 415-397-1339 (fax)
Defendants:
Hopeman Brothers, Inc. (HOPE)
Parker-Hannifin Corporation (PARKHF)

Berry & Berry
P.O. Box 16070
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510-835-8330 510-835-5117 (fax)
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Berry & Berry (B&B)

Bishop, Barry, Howe, Haney & Ryder
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2000 Powell Street, Suite 1425
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510-596-0888 510-596-0899 (fax)
Defendants:
Plant Products & Supply Company
(PLANTP)

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879 West 190th Street
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Gardena, CA 90248-4227
310-768-3068 310-719-1019 (fax)
Defendants:
General Motors Corporation (GM)

Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, 20th Floor
San Francisco, CA 94111
415-986-5900 415-986-8054 (fax)
Defendants:
Ingersoll-Rand Company (INGRSL)

Knox Rickson LLP
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510-285-2500 510-285-2505 (fax)
Defendants:
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Liability Trust (ALLIS)

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Defendants:
Plant Insulation Company (PLANT)

Murrin & Associates LLC
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925-631-0320 925-262-2111 (fax)
Defendants:
Soco West, Inc. (SOCWES)

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415-344-7000 415-344-7288 (fax)
Defendants:
Honeywell International, Inc. (HONEYW)

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213-617-6170 213-623-3594 (fax)
Defendants:
Astra Flooring Company (ASTRA)
Viacom, Inc. (VIACOM)

Selman Breitman LLP
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415-979-0400 415-979-2099 (fax)
Defendants:
Pep Boys Manny Moe & Jack of
California, The (PEPBOY)

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415-882-5000 415-882-0300 (fax)
Defendants:
Rapid-American Corporation (RAPID)

Walsworth, Franklin, Bevins & McCall
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714-634-2522 714-634-0686 (fax)
Defendants:
Quintec Industries, Inc. (QUINTC)

Walsworth, Franklin, Bevins & McCall
601 Montgomery Street, 9th Floor
San Francisco, CA 94111
415-781-7072 415-391-6258 (fax)
Defendants:
Thomas Dee Engineering Co., Inc. (DEE)